

**REMARKS**

Claims 1-34 are all the claims pending in the application. Claim 19 is being amended.

**I. Claim Rejections Under 35 U.S.C. § 112**

The Examiner rejected claim 19 under 35 U.S.C. § 112 because it recites the limitation “said received voice session command,” which the Examiner indicated had insufficient antecedent basis for this limitation in the claim.

The Applicant thanks the Examiner for pointing out the error. The Applicant herein amends claim 19 to recite “said received voice command.”

**II. Claim Rejections Under 35 U.S.C. § 103**

The Examiner rejected claims 1-34 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Jiang, et al. (US 2002/0057678), hereinafter “Jiang,” in view of Natarajan (US 2004/0171370).

**Claim 1**

The Applicant respectfully disagrees, and submits that Natarajan fails to teach the elements of claim 1 suggested by the Examiner, of sending a cue *via the voice session* for initiating a data session. Natarajan simply indicates that its controller sends a call

initiation request and a data access request, but there is no indication that the data access request is sent *via the voice session* instead of a data session. Natarajan never states that the data access request is transmitted *via the voice session*, as specifically stated in claim 1. Since the telephony environment is known to include voice sessions and data sessions (see p. 1 of Applicant's Specification), communication of a cue for initiating a data session *via the voice session* instead of the data session is contrary to expected transmission paths in a telephony environment.

The Examiner admits that Jiang fails to disclose sending the cue via the voice session, but Natarajan fails to cure the limitations of Jiang, as Natarajan provides no teaching, suggestion or motivation for sending a cue *via a voice session*, as recited in claim 1. Therefore, neither Jiang nor Natarajan, taken alone or in combination, provide the requisite teaching, suggestion or motivation required for a rejection under 35 U.S.C. § 103(a).

The Applicant further submits that claims 2-16 are allowable at least based on their dependency to claim 1.

**Claim 12**

Neither Jiang nor Natarajan, taken alone or in combination, teach where the voice cue comprises a series of DTMF tones, as recited in claim 12. The Examiner cites to Jiang as disclosing the use of DTMF tones, but Jiang only discloses the basic use of

DTMF tones during a call, and provides an example where a caller replies to a voice query using DTMF tones (para. [0101]). Jiang does not provide any suggestion or motivation for the use of DTMF tones to initiate a data session, or even the use of DTMF tones to be sent *to* a remote communication device being used by the caller.

The Examiner cites to Natarajan as disclosing “user input from a keypad in a voice session to initiate a data session.” The Applicant finds no mention in Natarajan of receiving user input via a keypad *in a voice session* to initiate a data session. In fact, Natarajan does not even disclose the use of a keypad to initiate a data session, as the cited section of Natarajan only discloses the use of a keyboard to enter security information, not initiate a data session (para. [0035]).

Since Natarajan does not disclose the use of a keypad to initiate a data session or the use of the keypad *in a voice session*, Natarajan, taken alone or in combination with Jiang, does not teach the elements of claim 12. The Applicant therefore respectfully requests that the rejection of claim 12 be withdrawn.

### **Claim 17**

The Examiner argues that while Jiang fails to disclose a received voice command, Natarajan discloses “a decoder (Fig. 2, 220) for decoding a voice command (i.e. command in voice session; user input in voice session) to transfer to a data session (section 0037)...” *Office Action*, p. 6.

The Applicant respectfully disagrees, as Natarajan fails to describe where the controller 220 *decodes a voice command* to transfer to a data session, as recited in claim 17. Natarajan does not describe the use of a voice command at any point, let alone where the voice command is received by the controller 220 in order to transfer to a data session. The Applicant does not see the use of a “command in voice session” or “user input in voice session” anywhere in Natarajan, and specifically not in paragraph [0037], cited by the Examiner for such teaching. Natarajan only describes where the controller 220 receives “an incoming voice call” and “a data access request.” *Natarajan*, para. [0037]. Neither the disclosed call or request is a “voice command” that is decoded in order to transfer to a data session, as the voice command is indicative of a cue sent over the voice session, such as, in one non-limiting example, a series of DTMF tones. *Specification*, p. 7, second paragraph; p. 8, fourth paragraph.

Therefore, neither Jiang nor Natarajan, taken alone or in combination, provide the requisite teaching, suggestion or motivation required for a rejection of claim 17 under 35 U.S.C. § 103(a).

The Applicant further submits that claims 18-19 are allowable at least based on their dependency to claim 1.

**Claim 20**

The Applicant refers the Examiner to the arguments presented above with regard to claim 1, and submits that claim 20 is allowable for at least the same reasons. Claim 20 similarly recites a method step of “issuing a data session launch command *via said voice session* to said remote telephony device....” (emphasis added), and neither Jiang nor Natarajan teach the use of a voice session to issue a data session launch command.

The Examiner specifically states that Natarajan discloses issuing a data session launch command via said voice session by “receiving an option from a remote device within the voice session,” referring to para. [0037] - [0038]. Although Natarajan states that “the controller 220 may send a data access request option,” there is no indication that the option is sent “within the voice session,” as opposed to a data session.

The Applicant therefore submits that neither Jiang nor Natarajan, taken alone or in combination, provide any teaching, suggestion or motivation required for a rejection under 35 U.S.C. § 103(a).

The Applicant additionally submits that claims 21-34 are allowable at least based on their dependency to claim 20.

### III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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